

# Sickness Absence Guidance

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## Contents

1. Status .....	2
2. Defining Sickness Absence .....	2
3. Selecting the Appropriate Procedure .....	2
3.1. Sickness absence or capability .....	3
3.2. Disciplinary.....	3
3.3. Disability.....	3
3.4. Special leave .....	3
4. Procedure.....	4
4.1. Statement of Fitness for Work ('Fit Note').....	4
4.2. Half Day Sickness Absences .....	5
4.3. Return to Work Discussions .....	5
4.4. Setting and Reviewing Attendance Targets.....	5
4.5. Pregnancy-Related Sickness Absence .....	6
5. Managing Frequent Short-Term Sickness Absence .....	6
5.1. Understanding Possible Causes .....	6
5.2. Possible Impact of Workplace Factors.....	6
5.3. Discussing Short-Term Absences .....	7
5.4. Monitoring and Recording Short-Term Absences.....	7
5.5. Identifying and Discussing Patterns in Short-Term Absences .....	7
6. Managing Long-Term Sickness Absence.....	7
6.1. Reviewing Long-Term Sickness Absence .....	7
6.2. Obtaining Medical Advice .....	8
6.3. Maintaining Contact with the Employee.....	8
6.4. Managing the Employee's Return to Work .....	8
6.5. Phased Returns .....	9
7. Disabilities and Reasonable Adjustments .....	10
7.1. Reasonableness .....	10
7.2. Types of Adjustment.....	11
7.3. Reviewing Adjustments .....	11
7.4. Record of Adjustments .....	12
7.5. External Support.....	12
8. Sickness Absence Review Process .....	12

8.1.	Conducting Informal Discussions .....	12
8.2.	Moving to the Formal Process.....	12
8.3.	Formal Stage 1 and 2 Absence Review Meetings .....	13
8.4.	Formal Stage 3 Absence Review Meetings .....	13
8.5.	Accompaniment and Representation .....	15
8.6.	Postponements .....	15
8.7.	Authority to Act .....	16
9.	Formal Sanctions .....	16
9.1.	Improvement Notice .....	16
9.2.	Dismissal.....	17
10.	Appeals.....	17
11.	Roles and Responsibilities .....	17
11.1.	Manager .....	17
11.2.	Head of Institution (or nominated deputy) .....	18
11.3.	Employee .....	18
11.4.	Human Resources .....	18
11.5.	Occupational Health.....	18
11.6.	Trade Union Representative or Work Colleague .....	19
11.7.	Note-Taker .....	19
12.	Sources of Support.....	19
12.1.	Human Resources .....	19
12.2.	Occupational Health.....	19
12.3.	Staff Counselling Service.....	20
12.4.	Internal Mediation Service .....	20
12.5.	Health and Safety Office.....	20
12.6.	Dignity@Work Contacts.....	20
12.8.	Disability Resource Centre (DRC).....	20
12.9.	External Support .....	20
13.	Managing Confidentiality .....	21

## 1. Status

This guidance supports staff and Institutions in implementing the Sickness Absence Policy and provides information on good practice. It should be read in conjunction with the policy document. This guidance is not University policy and does not form part of employees' terms and conditions of employment.

## 2. Defining Sickness Absence

Sickness absence refers to an employee's absence from the workplace due to ill-health.

## 3. Selecting the Appropriate Procedure

It is important to identify the correct procedure for managing absence issues as early as possible so that appropriate support can be offered to the employee.

Advice should be sought from HR if managers are unsure which procedure is appropriate or they believe they may need to follow a different procedure. If, in the course of investigating an employee's absence, it becomes clear that it would be more appropriate to continue under a different procedure, this should be discussed with the employee and confirmed in writing.

### **3.1. Sickness absence or capability**

In deciding whether the Sickness Absence Policy or the [Capability Policy](#) will apply, consideration should be given to how the ill-health is affecting the employee's ability to carry out their job to the required standard. If the issue is primarily that the individual has unacceptable levels of absence from work, then the Sickness Absence Policy will apply. If the individual is largely attending work but their performance of their work is affected due to ill-health, the Capability Policy will apply. For advice and guidance on managing cases related to capability, please contact the relevant HR Business Manager or their team.

### **3.2. Disciplinary**

Absence due to persistent lateness or poor timekeeping should be managed under the relevant [Disciplinary Policy](#). For advice and guidance on managing cases related to conduct, please contact the relevant HR Business Manager or their team.

### **3.3. Disability**

Consideration must be given to whether an individual's absence may be caused or exacerbated by a disability under the Equality Act 2010. Disability is defined under the Act as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on an individual's ability to do normal daily activities. Where this is the case, care should be taken to avoid discrimination arising from the disability. In practice, this means that any action taken in response to absence concerns will need to be proportionate and appropriate. Consideration must also be given to whether there are reasonable adjustments which could be made to the employee's working arrangements, including changing duties or providing additional training, as well as making reasonable adjustments to the application of the Sickness Absence Policy. Details of where to access further information are provided below:

- The University's [Disability and Employment Policy](#)
- [Equality and Diversity](#)

### **3.4. Special leave**

Time off for surgery, treatment and recuperation that relates to a medical or psychological condition and is supported by a medical certificate will be treated as sick leave.

In cases of elective surgery, annual leave should be taken in the first instance. In exceptional circumstances, unpaid leave may be granted subject to the operational needs of the Institution. Elective surgery is surgery that is not considered to be medically necessary, including cosmetic procedures through surgical and medical techniques. Requests for time off for surgery, treatment and recuperation should follow the normal process for requesting annual leave. In the event that such treatment results in an employee becoming unfit for work (e.g. due to infection or other complications), the usual sickness absence provisions will apply, including procedures for certification.

Please note that the University has separate detailed guidance on leave for fertility treatment and gender reassignment treatment. Further advice is available from the relevant HR Business Manager or their team.

### **3.5. Other relevant policies and procedures**

Other University policies and procedures that may assist with supporting and managing an employee's sickness absence include the following:

University of Cambridge Sickness Absence Guidance 3

- [Stress at Work Policy](#)
- [Maternity Policy](#)
- [Disability and Employment Policy](#)

## 4. Procedure

### 4.1. Statement of Fitness for Work ('Fit Note')

A Statement of Fitness for Work ('Fit Note') is provided by an employee's doctor, nurse, occupational therapist, physiotherapist or pharmacist ("healthcare professional")<sup>1</sup>. Fit notes were introduced in 2010 to replace 'Sick Notes'. An employee will be given a fit note only if the healthcare professional considers his or her fitness for work to be impaired. If someone is fit for work, he or she will not be given a fit note. Under the old sick note system, doctors stated either that individuals should "refrain from work" or "need not refrain from work". However, the fit note can state either that an individual "may be fit for work" taking into account the healthcare professional's opinion and advice stated on the note, or that the individual is "not fit for work".

Fit notes record details of the functional effects of a patient's condition so that employees and employers can facilitate a return to work. A fit note gives healthcare professionals the opportunity to highlight one of the following four options to help facilitate an employee's return to work:

- A phased return;
- Amended job duties;
- Altered hours of work; and
- Workplace adaptations.

The healthcare professional may also write in any other option that he or she believes may be appropriate in the circumstances and can add any other relevant information. In cases of long-term sickness absence, the manager should consider gaining more specific advice via a medical report. The employer is responsible for ensuring that any adjustments suggested by a healthcare professional are suitable and do not pose a risk to the employee. Managers should therefore seek advice from Occupational Health if they are presented with a fit note that contains specific medical advice or recommendations.

There is no legal obligation on an employer to comply with any recommendation made on a fit note. Equally, any changes to an employee's hours or job duties, whether temporary or permanent, should be made only with the agreement of the employee, and the manager and employee should agree how long the changes will last. Nevertheless, managers should carefully consider what the employee's health care professional has written and give fair consideration to whether any of the changes recommended can be accommodated. It may be that the employee can return to work earlier than would have otherwise been the case if a particular change is implemented. If the University is unable to facilitate the recommended change(s), the manager should explain this to the employee and treat the employee as unfit to carry out his or her normal job.

The healthcare professional can issue a fit note for a maximum duration of three months during the first six months of an employee's ill-health or condition. If the manager and employee agree that the employee is able to return to work sooner than indicated in the fit note, the employee does not need to return to the healthcare professional for formal confirmation. Depending on the nature of illness, the manager may wish to seek advice from Occupational Health if they are concerned that the employee may not be well enough to return to work.

Where there is concern about the reason for, or frequency of, the sickness absence, employees may be required to provide a fit note for each absence regardless of duration. If an employee's healthcare professional refuses to provide a fit note in these circumstances, the manager is advised to contact Occupational Health for advice.

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<sup>1</sup> This does not include the University Occupational Health Service  
University of Cambridge Sickness Absence Guidance 4

## **4.2. Half Day Sickness Absences**

All occurrences of sickness absences, including half days, must be recorded on CHRIS. If an employee attends work but is unable to stay for more than half of their normal working day, this must be recorded as a half day of sick leave.

If an employee goes home unwell after being at work for more than half of their working day, this would not be recorded as a half day of sick leave. The sickness absence would start the following day if the employee is still unwell and unable to attend work.

## **4.3. Return to Work Discussions**

Conducting return to work discussions is a key part of managing all sickness absence, whether formally or informally. Managers are encouraged to hold return to work discussions with employees after each occurrence of sickness absence, particularly in the case of long-term sickness absence. Employees may also request return to work discussions with their manager prior to or upon their return to work from sickness absence.

Return to work discussions should be conducted in accordance with the following principles:

- Handled consistently and sensitively;
- Informal;
- Held in a confidential environment free from interruptions;
- Structured and factual; and
- Carried out in a supportive and positive way.

In preparation for a return to work discussion taking place, the manager should ensure that:

- Sufficient time has been set aside for the discussion, with arrangements made for a private meeting room or office to ensure confidentiality;
- Sickness absence records, fit notes, and Occupational Health reports have been gathered as appropriate; and
- Consideration has been given to any supplementary questions that may be appropriate.

The return to work discussion should be held in a constructive and supportive way.

The manager and employee should discuss any actions that may need to be taken after the meeting, for example:

- Reasonable adjustments, such as a phased return to work;
- A workplace assessment;
- Occupational Health referral;
- An attendance target, specifying by how much and by what date; and
- An improvement in reporting absence.

After the meeting, the manager should confirm the discussions and follow up any actions, for example:

- A record of the meeting should be made;
- Where appropriate, a management referral form should be sent to Occupational Health;
- Arrange any other help or support that can be provided (i.e. Access to Work);
- Ensure any reasonable adjustments are actioned; and
- Review adjustments after an agreed period and remove or continue as required.

## **4.4. Setting and Reviewing Attendance Targets**

One of the main tools used in effective absence management is the accurate measurement of the absence of employees due to sickness, particularly in the case of frequent short-term sickness absence. This measurement can then be used for monitoring purposes, including when deciding on the need for, or

setting, an attendance target. An attendance target is a specific level of sickness absence that the employer sets as a goal to reduce the level of absence. For example, an attendance target might be the number of days' absence per employee at the University over a 12-month period. Having a target in place will not reduce absence in its own right, but works as part of an overall absence management programme.

When considering the use of attendance targets, managers will, in consultation with the relevant HR Business Manager or their team, need to take into account the individual circumstances of the case, any advice received from Occupational Health, the impact of any underlying medical condition or disability, and any reasonable adjustments that need to be put in place to enable the employee to improve their attendance. In the event that an attendance target is set, the employee should be made aware of how their attendance will be reviewed and over what period.

Pregnancy-related sickness absence should be recorded separately and should not be taken into account when looking at attendance targets.

#### **4.5. Pregnancy-Related Sickness Absence**

If an employee has a pregnancy-related illness, the manager should consider how this could affect them doing their job and should feel free to discuss this with the employee concerned, as in many cases simple adjustments can be quickly discussed and agreed.

Medical information should still be obtained and these absences should be recorded as 'pregnancy-related' where appropriate, and dealt with carefully in consultation with the relevant HR Business Manager or their team. These illnesses are normally of a temporary nature and the law gives extra rights and protection to pregnant employees. Illness may also trigger an early start to maternity leave. Please refer to the [Maternity Policy](#) for more information.

It is good practice for department risk assessments to be undertaken to identify any risks that might affect women who become pregnant. Further advice on pregnancy and risk assessments is available from [Occupational Health](#).

### **5. Managing Frequent Short-Term Sickness Absence**

#### **5.1. Understanding Possible Causes**

It is important to understand there may be a variety of reasons for frequent short-term sickness absences, including:

- An underlying medical condition;
- An unusually high, but genuine, vulnerability to colds, flu, etc.;
- Excessive tiredness e.g. the employee may have additional responsibilities outside work such as childcare or a second job;
- Personal or family problems;
- Specific problems in the workplace; and/or
- Demotivation.

Discussions between the manager and employee can be important to help determine if there are any contributing factors and what, if any, support can be provided.

#### **5.2. Possible Impact of Workplace Factors**

It should also be acknowledged that frequent short-term sickness absences may be caused or exacerbated by factors in the workplace. For example, in addition to genuine periods of sickness, frequent short-term absences may be linked to:

- Stress due to the volume of work or pressure of work deadlines;
- Difficult working relationships or conflict with colleagues;
- Bullying or harassment;

- Anxiety relating to organisational change; and/or
- Other factors causing dissatisfaction e.g. ineffective procedures or equipment, or a lack of clear goals or targets.

Where such issues are identified appropriate support should be considered. This may include mediation, counselling, re-assessing workloads and training etc. If a workplace issue is identified, the manager should take steps to remove or reduce the factors that appear to be contributing to the absences, if this is at all possible.

### **5.3. Discussing Short-Term Absences**

Return to work discussions are an opportunity to investigate any underlying causes of short-term absences and are particularly important if an employee has a high rate of such absences. Further details on conducting return to work discussions can be found in the policy and in this guidance document.

### **5.4. Monitoring and Recording Short-Term Absences**

It is important to monitor an employee's short-term absences to enable issues to be identified, such as high levels or particular patterns. An accurate record of sickness absence levels is essential to the management of sickness absence. Please refer to the Recording Sickness Absence section of the policy for further details.

Self-certificates and medical certificates should be retained on the employee's personnel file. Such records should be held confidentially and in compliance with the laws on [data protection](#).

### **5.5. Identifying and Discussing Patterns in Short-Term Absences**

When reviewing an employee's sickness absence record any patterns which cause concern should be identified and discussed. This could include repeated absences on a particular day of the week or that tend to occur at a particular time e.g. just before a monthly deadline or towards the end of a busy shift cycle.

Discussions about patterns in sickness absence should be carried out in a factual way, by stating the facts and asking open questions. For example:

- "I have noticed that six out of your 10 absences have been on Mondays. Would you like to comment on that apparent pattern?"
- "Is there any reason why nearly all your absences have been in the final week of the month?"
- "The records show that you tend to be absent towards the end of your shift cycle. Is there any problem we can help you with in relation to shift working?"

## **6. Managing Long-Term Sickness Absence**

### **6.1. Reviewing Long-Term Sickness Absence**

There are two stages to managing an employee's long-term sickness absence. The first is to manage the employee's absence from work and the second to manage their return to work.

The management of an employee's absence should be carried out proactively with the primary aim of supporting the employee and facilitate a return to work as soon as possible.

To achieve these aims, the manager should normally carry out regular reviews of the employee's length of absence, state of health and readiness to return, as well as whether or not anything can be done to facilitate a return. This should be done in discussion with the relevant HR Business Manager or their team, Occupational Health and, where appropriate, the absent employee.

The starting point will be for the manager to have a supportive conversation with the employee as soon as it is known that the absence is likely to be long-term. The aim of this conversation will be to identify how the University can support the employee and take care of their inevitable employment concerns.

## **6.2. Obtaining Medical Advice**

As soon as it becomes clear that an employee's absence will be long-term, the manager should speak to the employee about a referral to Occupational Health for an assessment of the effects of the condition, the likely duration of the illness or condition and whether or not there are any steps that the manager could take to facilitate the employee's return to work. Where an employee does not consent to an Occupational Health referral it may be necessary for the University to make decisions without the benefit of further information. On receipt of the Occupational Health assessment the manager should consider it carefully with a view to identifying what specific further actions should be taken.

In the event that the manager believes further medical information is required from an employee's own doctor, specialist or consultant, they should speak to Occupational Health in the first instance. Managers should be aware that the Access to Medical Reports Act 1988 places certain restrictions on employers that wish to obtain medical information about employees from their own doctor and also gives individuals a range of rights in relation to any such medical report.

## **6.3. Maintaining Contact with the Employee**

An employee on long-term sick leave may feel isolated and miss the social contact that work usually affords. It will be very important for the employee to know that, even though he or she is off sick, support is available from the University. The manager should take positive steps to keep in touch so that the employee knows that the organisation is interested in his or her health and wellbeing, and that support is available.

Some managers may, understandably, feel uncomfortable about the prospect of contacting an employee who is off sick in case the contact might be perceived as unfair pressure. The manager should, however, also reflect on how the employee might feel if no contact is made.

The first step would be for the manager to telephone or write to the employee indicating a desire to maintain contact and asking the employee whether he or she would prefer telephone contact, email communication or a combination of these.

It should be clarified that the contact is as a result of concern about the employee's welfare and progress and in order to offer any support that is reasonable and practicable. Keeping in touch personally will also allow the manager to keep up-to-date with the employee's state of health and progress and his or her perspective on the likelihood of a return to work. This in turn will allow the manager to organise and maintain temporary cover more effectively.

In the event that the manager is unable to make contact with the employee, the manager should contact the relevant HR Business Manager or their team who may advise, for example, that the employee's next of kin be contacted.

## **6.4. Managing the Employee's Return to Work**

As time goes on, the manager should seek to obtain further medical advice about the employee's fitness to work and continue to discuss the situation with the employee directly where this is possible.

Once Occupational Health or the employee's doctor or specialist has indicated that the employee may soon be ready to return to work, the manager should turn his or her attention to the steps that might reasonably be taken to support the employee's return. The manager should take account of the healthcare professional's advice in a fit note that could help to identify any appropriate steps that the employer could take to help the employee return to work, which might include:

- Considering a phased return to work and discussing the options with the employee (and Occupational Health where appropriate);
- Discussing with the employee (and Occupational Health where appropriate) whether he or she will be fit to perform all the duties of the job or whether some adjustments may need to be made;



- Checking if the employee is still taking any medication and whether or not there are any likely side effects, for example tiredness;
- If possible, arranging a social visit for the employee shortly before the proposed return date so that the employee can meet informally with colleagues and be brought up to date on a range of matters;
- Discussing the employee's capabilities with him or her, either when the employee returns to work or just prior to this, and reviewing if any special arrangements or support need to be provided initially;
- Planning to give the employee meaningful work to do so that he or she quickly feels useful;
- Making sure that the employee is not overloaded with work or faced with a mountainous backlog;
- Agreeing with the employee what support will be available during the first weeks or months after his or her return, and how progress will be monitored;
- Considering arranging for one of the employee's colleagues to act as his or her "buddy" for a period, taking responsibility for helping the employee with any difficulties in the first few weeks after his or her return;
- Taking positive steps to ensure that the employee feels that his or her return to work is welcomed; and/or
- Actively monitoring the situation for a period of time to make sure that the employee is coping adequately with the day-to-day work and its associated pressures.

The manager should take into account that the employee may feel very anxious about returning to work after a lengthy period of absence and worried about how he or she will be perceived and treated by colleagues and management. This may be a particular concern if the employee's absence was the result of a mental illness.

It will therefore be extremely important for the manager to take positive steps to make the employee feel at home and facilitate his or her reintegration into the workplace rather than just expecting the employee to get on with things.

## **6.5. Phased Returns**

Phased returns can be implemented to help facilitate an employee's return to work after long-term sickness absence. Legally, it could constitute a "reasonable adjustment" that an employer must make where an employee has a disability under the Equality Act 2010 and, in practice, a phased return can be beneficial for both the employer and the employee when trying to achieve a successful return to work.

A phased return to work will not be suitable in every situation. The premise of a phased return is that the employee is well enough to carry out some work, and is likely, given time, to recover sufficiently to return to his or her previous role (or previous role with some adaptations). Where the employee is not capable of any work, the question of a phased return will not arise.

A phased return to work should be based on medical advice, either in a fit note from the employee's healthcare professional, or in an Occupational Health assessment. In the case of a fit note, in addition to ticking the "phased return to work" box, the healthcare professional is required to provide details of what the employee is or is not capable of doing. If a phased return is recommended on fit note, the manager should always seek advice from Occupational Health in the first instance.

In the event that a phased return has been recommended and is supported by Occupational Health, the manager should discuss the following with the employee:

- When the phased return is to start;
- With what work and hours the employee will start the phased return;
- At what location the employee will start the phased return (e.g. at home or in the office);
- Whether or not there are any other changes to the working arrangements that might need to be made (e.g. a special chair or computer equipment to help support an employee with a disability);
- What changes in work, hours and/or location are thereafter expected to occur, and when they are expected to occur;
- What arrangements will be put in place to monitor the employee's progress and any difficulties;

- What will happen to the employee's pay during the phased return to work; and
- To whom the employee should report if he or she has any difficulties with the arrangements.

Arrangements should take into account the individual circumstances and addressed on a case by case basis. However, a phased return should normally be for a period of no more than six weeks and would be on full pay. Where a six-week phased return has been agreed, it is recommended that the manager and employee make contact at the four-week stage to discuss progress and whether the employee is ready to resume their full contractual hours at that stage or if the phased return should continue for the full six weeks.

At the end of a phased return, if an employee is fit for work but does not feel ready or able to resume their full contractual hours, he or she may wish to consider the following options:

- To reduce his or her contractual hours on either a temporary or permanent basis, with an associated reduction in pay;
- To take annual leave either in one block or staggered over a period of time; and/or
- To take unpaid leave.

There is no guarantee that a request for a reduction in contractual hours, annual leave or unpaid leave will be granted. Before making a decision, the manager will need to consider the impact on service provision, budgets and colleagues.

## **7. Disabilities and Reasonable Adjustments**

An employee who is off sick for a lengthy period of time may be disabled for the purposes of the Equality Act 2010. If this is the case the employee will be entitled to protection against discriminatory treatment and to expect the employer to make reasonable adjustments. The Act contains a very broad definition of disability, which includes both physical and mental impairments that last, or are expected to last, 12 months or more and are substantial in terms of their effects on the individual's day-to-day life.

A wide range of physical and mental conditions and illnesses may amount to disabilities, depending always on whether or not the effect of the condition on the person is substantial and long term.

An important point to note is that a condition may amount to a disability even if, as a result of medication or another form of support, the person experiences no adverse effects on a day-to-day basis. The question that determines whether or not an employee is disabled is how the condition would affect the employee if he or she did not take the medication or use the support.

Employers are under a duty not to treat employees less favourably because of a disability (direct discrimination). It is also unlawful for employers to apply a provision, criterion or practice to all employees that puts an employee with a disability at a disadvantage (indirect discrimination). Employers are also under a duty not to treat an employee unfavourably because of something arising in consequence of his or her disability.

The Equality Act 2010 requires employers to make reasonable adjustments for employees with a disability. Deciding on the most effective adjustment should always involve the employee. Discussion between the employee and manager can often result in appropriate changes or the identification of the most helpful equipment or software. The employee is often best placed to know his or her own condition, so the employer should seek his or her opinion. However, if the condition is new or fluctuating, the employee may not be knowledgeable or have all the answers. In these circumstances, involving Occupational Health will aid the identification of support, but input from a range of specialists may be needed before the most effective solutions are found. It would also be advisable for the manager to take into account any recommendations contained in a fit note provided by the employee's healthcare professional.

### **7.1. Reasonableness**

Managers should consider a range of aspects to determine whether or not an adjustment is reasonable and proportionate, including:

- The efficacy of the adjustment in preventing the disadvantage;
- The practicality of the adjustment;
- Health and safety considerations;
- The cost of the adjustment and available resources;
- The employee's expected length of service (e.g. employed on a permanent basis or a six-month fixed-term contract); and
- The amount of help and support that has already been provided to the employee.

Adjustments may be agreed on a temporary or permanent basis. Ultimately it is for the manager to determine whether a recommended adjustment is 'reasonable'. In more complex cases, the manager should contact the HR Business Manager or their team for advice.

## **7.2. Types of Adjustment**

The sorts of adjustments that disabled staff need are wide-ranging and often low-cost. For example, a change to working patterns to maximise energy levels, or supplying coloured paper to those with dyslexia cost little yet can have a great impact. The Equality Act 2010 refers to adjustments to a provision, criterion or practice and a physical feature, and taking steps to provide an auxiliary aid, and it refers specifically to providing information in an accessible format. The following are examples of adjustments that employers might consider:

- Changes to job duties e.g. exempting an employee with a back condition from doing heavy physical work;
- Changes to the method of doing the job e.g. allowing an employee who cannot drive on account of a medical condition to travel on business by some other means;
- Changes to working hours e.g. agreeing a reduction in working hours or an exemption from overtime working, allowing a later or flexible start time, or granting more frequent or longer rest breaks;
- A transfer to a different workplace e.g. moving someone with limited mobility to a ground floor location or allowing partial homeworking;
- Adjustments to procedural requirements e.g. allowing an employee who has returned after a period of sickness absence to take paid time off work to attend regular medical appointments, physiotherapy or rehabilitation;
- Additional or tailored training, coaching, mentoring or supervision e.g. if the employee is moved to new job duties as a result of partial incapacity;
- Modification of premises e.g. widening a doorway or relocating door handles or shelves if the employee has difficulty reaching them;
- Provision of an auxiliary aid e.g. changing a key pad door entry system to a card swipe system where a blind employee is unable to use it;
- Modification of information e.g. supplying documents in a large font where an employee is visually impaired; and/or
- Redeployment support e.g. to a suitable available vacancy (although the employee's express consent would be required).

## **7.3. Reviewing Adjustments**

The manager should undertake regular reviews of reasonable adjustment provisions to make sure that the support provided is still the most appropriate for the employee's condition. Appraisals, regular one-to-one reviews and return to work discussions after sickness or disability-related absence are useful points to review arrangements. This ensures that the employee is working to the best of his or her ability and enables the University to demonstrate its commitment to inclusion.

Business changes may necessitate alterations to the adjustments in place. For example, an Institution may no longer be able to accommodate a particular working pattern. Before altering or removing an adjustment, the manager should have a sensitively managed meeting with the employee to explore the impact of any proposed change and the options available.

## 7.4. Record of Adjustments

The manager should maintain a written record of discussions about reasonable adjustments and the resulting support put in place for a disabled employee. The record can also be used to record any additional provisions that have been agreed. For example, who to contact if the employee is not at work and has not followed the Sickness Absence Reporting Procedure.

The process of completing such a record facilitates an open and thorough conversation between the manager and employee, lessens the time taken to review reasonable adjustments and acts as a guide should the employee be assigned a new manager. This eliminates the risk of the University taking an inconsistent approach, where one manager supports an adjustment and another takes a different view.

This approach also helps to ensure that the employee feels that he or she is being listened to. It can be very demoralising for an employee to have to repeat him- or herself several times. Managers should, however, maintain the confidentiality of such records, as with any other HR-related information.

## 7.5. External Support

External support is often available to help with the cost and supply of reasonable adjustments, via government schemes such as [Access to Work](#). These schemes can contribute towards the cost of equipment, business-related travel (e.g. taxis to and from work), personal assistants who could provide physical assistance to an employee (e.g. getting to and from work); and co-workers who could assist an employee with the elements of the role that the employee finds difficult because of his or her disability.

# 8. Sickness Absence Review Process

## 8.1. Conducting Informal Discussions

Sickness absence concerns are most effectively managed as early as possible. In most cases informal discussions between the manager and the employee will help to understand the issues and assess what support might be needed. A summary of the informal process is provided in the relevant policy flowchart.

Whilst employees only have the right to be represented at formal Absence Review Meetings by a trade union representative or work colleague, by agreement with all parties, the request to be accompanied may be extended to informal discussions. Accompaniment at the informal stage will only be permitted where it is deemed to be in the interests of an early resolution and where there are particular circumstances in which an employee needs additional support. In such cases an independent note-taker may also be present.

During an informal discussion the employee should be advised of any sickness absence concerns. Feedback should be constructive, with the emphasis being placed on finding ways to support the employee and improve attendance wherever possible. The employee should be given the opportunity to provide feedback and to respond to any questions from the manager.

## 8.2. Moving to the Formal Process

Sickness absence will be managed informally in the first instance. However, if an employee's absence due to sickness is of concern or informal action has not succeeded in improving attendance to an acceptable level, consideration will be given to whether there are grounds for undertaking formal action under the Sickness Absence Policy. The formal process can be applied to either cases of frequent short-term or long-term sickness absence.

The Sickness Absence Review Process has three formal stages, with provision for an appeal at each stage. A summary of the formal process is provided in the relevant policy flowchart. The aim is to resolve issues at Stage 1 wherever possible. Timescales for each stage will depend on individual circumstances and some sickness absence issues may be dealt with over a longer or shorter period than others. The point at which a manager decides to move an employee to the next stage of the formal process will vary from case to case. Factors to take into account include:

- What the issues causing the absence are;

- What affect the absence is having on service delivery and/or colleagues;
- What additional support could be given; and/or
- Whether attendance has improved as a result of the informal processes.

Where there are grounds for undertaking formal action, a staged approach will be adopted as detailed in the Sickness Absence Policy. The Sickness Absence Review Process will seek to establish:

- The level of sickness absence;
- The attendance target set if applicable;
- The causes of the sickness absence;
- The impact the sickness absence is having;
- The actions to be taken;
- Who has responsibility for the actions; and
- The support to be given to the employee.

The focus of the formal process will be to give an employee support to help them to achieve the expected attendance levels. Where an attendance target is set, regular review meetings should be held with the employee. At the end of the review period, the employee's progress will be reviewed to assess if any further action and/or support is required. If the employee's attendance levels have not improved to an acceptable standard, consideration will be given to the next stage of the formal Sickness Absence Review Process.

At any stage of the formal process, a manager may consider a range of other options including:

- Reverting to an informal approach;
- Taking action under an alternative University procedure;
- Providing appropriate support including a referral to Occupational Health;
- Extending an attendance target and/or review period; and/or
- By agreement, investigating the possibility of alternative available roles.

### **8.3. Formal Stage 1 and 2 Absence Review Meetings**

At an Absence Review Meeting at Stage 1 or Stage 2 of the formal Sickness Absence Review Process, the manager (accompanied by a member of the HR Division) will outline the sickness absence concerns that have led to the meeting and will review the circumstances of the case and the actions taken to date. The employee will be given the opportunity to state their case and raise any factors they wish to have considered. The manager should identify if there are measures, such as an Occupational Health referral, which may be beneficial, discuss any attendance targets for improvement and a timescale of review.

If as a result of the meeting and the evidence presented it is considered that no further action is required, this will be confirmed to the employee in writing within ten working days.

If as a result of the meeting and the evidence presented the employee's attendance is considered to be unsatisfactory, the manager will write to the employee issuing a formal Improvement Notice. The Improvement Notice will state the improvement in attendance required, the timescale for improvement, any support to be provided and the consequence of not meeting the attendance target within the review period.

It will also set out the employee's right of appeal.

### **8.4. Formal Stage 3 Absence Review Meetings**

If the employee's attendance does not improve, as specified in the Improvement Notice issued at an Absence Review Meeting at Stage 1 or Stage 2 of the formal Sickness Absence Review Process, the employee may be required to attend a formal Stage 3 Absence Review Meeting. The meeting will be conducted by the Head of Institution (or nominated deputy) who will be accompanied by a member of the HR Division.

#### **▪ Preparation**

The employee will be notified in writing and will be given at least five working days' notice of the meeting. The invite letter will:

- Explain the purpose of the meeting;
- Provide details of the sickness absence concerns and the reasons for those concerns;
- Explain that one possible consequence of the meeting may be the termination of employment;
- Specify the manager/Head of Institution who will conduct the meeting and identify any others who will be attending;
- Invite the employee to make any written submissions; and
- Advise the employee of their right to be accompanied.

Where there is additional information to provide to the employee, this should be sent with the letter and may include:

- A summary of relevant information e.g. attendance records;
- A copy of relevant documents which will be used at the sickness absence meeting e.g. Occupational Health assessment.

Prior to the meeting the employee must inform the manager conducting the meeting of:

- Any written submissions they wish to have considered; and
- Any documentary evidence they intend to rely on at the meeting and explanation of the relevance.

The employee should provide this information as soon as reasonably practicable and at least three days before the formal meeting.

#### ▪ **Introductions**

At the start of the meeting the person conducting the meeting will introduce those present and explain the purpose of the meeting and the process that will be undertaken, encouraging those present to speak openly.

#### ▪ **Presentation of the case**

The presenting manager (normally the manager who has dealt with the case up to this point) will present the history of the employee's sickness absence, its effect on the Institution and any actions previously taken to resolve the concerns.

#### ▪ **The employee's response**

The employee or their representative should state their case and respond to any issues raised. They will have an opportunity to ask any questions and present any evidence in support of their case.

#### ▪ **Consideration by the manager conducting the meeting**

The Head of Institution (or nominated deputy) conducting and hearing the case should:

- Go through any relevant evidence presented at the meeting;
- Use questions to clarify the issues and to check that what has been said is understood;
- Encourage the employee to speak freely to establish all the facts;
- Establish if there are any underlying causes for the sickness absences;
- If dismissal is a possibility, establish whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment support;
- Summarise the main points of the discussion after questioning is completed;
- Ensure all evidence and points for all parties have been put forward, including if there are any special circumstances to be taken into account; and
- Ask the employee if they have anything further to say or to be taken into account.

The person conducting the meeting will consider all representations before deciding what outcome or support is appropriate.

- **Adjournment**

If new facts have emerged or there is any dispute over facts that have not been properly investigated, it may be necessary to adjourn the meeting in order to investigate them and reconvene the meeting at a later date. Any new evidence should be shared with both parties prior to reconvening the meeting. Requests for an adjournment by either side should be made to the manager leading the meeting.

- **Meeting Outcome**

The employee will be informed of the decision in writing within ten working days of the meeting. If, as a result of the meeting and the evidence presented, it is considered that no further formal action is required, this will be confirmed to the employee in writing.

If, as a result of the meeting and the evidence presented, it is considered that further formal action is necessary further advice should be sought from the relevant HR Business Manager of their team, particularly if dismissal on grounds of ill-health is under consideration.

The correspondence shall also notify the employee of their right to appeal against any sanction. In the event that the decision is taken to dismiss the employee, the correspondence will include the reasons for dismissal and the date that their employment will terminate, together with details of any notice arrangements and right of appeal. Dismissal will always be a last resort after consideration of all other options. The Director of HR should be consulted in advance of the proposed dismissal of any employee.

## **8.5. Accompaniment and Representation**

Employees can be represented at formal Absence Review Meetings by a trade union representative or a work colleague. In exceptional circumstances, an individual may wish to request to bring a second representative to a formal meeting or hearing, for example, a representative from the organisation Mind. Where this is allowed, it must be confirmed in advance which representative will actually be presenting the case.

The employee's representative will be allowed to address the meeting or hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The representative does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent management from explaining their case.

Being accompanied is different from being represented. The companion will not be allowed to speak on the employee's behalf, but may ask for clarification on the questions asked. At the end of the meeting, the companion may raise any other issues that are important to the case, but the employee must answer any questions that result from this.

Where an employee is to be accompanied or represented, they should provide relevant details to the manager convening the meeting sufficiently in advance of the meeting. It is the employee's responsibility to supply copy documentation for their representative or companion.

Where possible, the manager will seek to consult with the trade union representative in advance of scheduling a formal meeting to ensure his or her availability.

## **8.6. Postponements**

When a formal meeting is scheduled, both parties, including the representative, should make every effort to attend.

Where the employee is unable to attend an Absence Review Meeting on the date scheduled they should inform their manager at the earliest opportunity. In the first instance the meeting will usually be rearranged

for an alternative date. Where an employee fails to attend a rearranged meeting without good cause, a decision may be made to go ahead with the meeting in the employee's absence, and a decision will be reached based on the evidence available. The employee will be informed where this is the case.

The employee can request for a formal Absence Review Meeting to be postponed by up to five working days (beginning with the day after the day on which the meeting was originally convened), only for reasons of non-availability of a chosen representative or companion. One postponement of a formal meeting on these grounds may be allowed. Where possible, the manager may wish to consult with the employee's chosen representative or companion on their availability before scheduling a Stage 1, 2 or 3 Absence Review Meeting, which may avoid the need for a postponement. Before making any such contact, the manager should be satisfied that the employee will be represented at the meeting by that individual.

In exceptional circumstances, other reasons for postponement may be considered. However, there is no entitlement and it cannot be guaranteed, and the manager would consider the circumstances and may arrange to have the meeting or hearing at a neutral venue. If a meeting is held at a non-University venue, it is recommended that the manager be accompanied. If the employee fails to attend a meeting, it may be held in his or her absence.

If an employee's trade union representative or work colleague cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed. Whilst every effort will be made to find a time that is suitable for all parties, if the companion is not available at the rearranged time the University can insist that the employee choose a different companion, or attend the meeting unaccompanied.

Where an employee is unable to attend an Absence Review Meeting due to ill-health, consideration will be given to making reasonable adjustments, such as holding the meeting at a different location or allowing the employee to make written representations.

## **8.7. Authority to Act**

Meetings at Stages 1 and 2 of the formal Sickness Absence Review Process are conducted by the employee's manager or a more senior manager, as appropriate. Meetings at Stage 3 are conducted by the Head of Institution (or nominated deputy). A nominee selected to act on behalf of a Head of Institution should be agreed in conjunction with HR and will be a senior colleague.

There may be exceptional circumstances where it would not be appropriate for the Head of Institution to act in a case e.g. the Head of Institution is compromised in some substantial way. In such circumstances the case will be referred to the Director of HR who may refer the case to an alternative Head of Institution or Senior Officer of the University.

## **9. Formal Sanctions**

### **9.1. Improvement Notice**

If as a result of a formal Stage 1 or 2 Absence Review Meeting the employee's attendance is found to be unsatisfactory the manager will write to the employee to issue an Improvement Notice. The Improvement Notice will state the improvement in attendance required, targets for improvement, the timescale for improvement ("the review period"), any support to be provided and the consequence of not meeting the attendance targets within the review period. It will also set out the employee's right of appeal.

The manager will monitor the employee's attendance during the review period and will hold regular review meetings. On completion of the review period the manager will write to the employee to inform them of the outcome.

An Improvement Notice will remain active for a specified period. This will usually be six months for a First Improvement Notice and one year for a Final Improvement Notice, after which time it will remain on file for reference purposes but will be disregarded when making a decision on future sickness absence proceedings.



## 9.2. Dismissal

The dismissal of an employee on the grounds of long-term ill-health should be a last resort only after all other options have been fully considered and discussed with the employee, and after all possible adjustments have been made to support the employee's continuing employment.

Long-term sickness absence can be a fair reason for dismissal. However, for a dismissal to be fair in practice the employer would have to show that the employee's long-term absence was sufficient to justify dismissal and that it acted reasonably in dismissing the employee for this reason.

Before contemplating dismissal, the manager should consult with the relevant HR Business Manager or their team to review the circumstances to establish whether or not proper grounds for dismissal exist. In order to ensure that a dismissal on the grounds of long-term ill-health is capable of being fair, the manager should, as a minimum, ensure that he or she:

- Consults with the employee regularly and keeps him or her in the loop about any proposals or plans regarding his or her ongoing employment;
- Reviews the employee's absence record to assess whether or not it is sufficient when considered in context to justify dismissal;
- Obtains up-to-date medical advice prior to taking any final decision;
- Reviews whether or not there are any other jobs that the employee could do; and
- Acts reasonably towards the employee throughout.

The key question is whether or not in all the circumstances the employer can reasonably be expected, in light of the requirements of the business, to wait any longer for the employee to recover and return to work.

This will depend, among other things, on the size and resources of the Institution and the degree of disruption or difficulty that the employee's long-term absence is causing.

Often the best approach is routinely to review the status of the employee after a specified period of absence, for example six months or a year. At this point it may be appropriate to set a further time limit for a decision to be made about the employee's continuing employment. Where this is done, it will be vital to inform the employee about the time limit and that a decision is to be made when that time arrives if he or she is still absent.

In the event that dismissal is recommended, [Statute C, Schedule, Chapter IV](#) should be followed for established officers. For all other University employees, the decision to dismiss on the grounds of unsatisfactory attendance is made under the Sickness Absence Policy. The Director of HR should be consulted in advance of the proposed dismissal of any employee.

## 10. Appeals

An appeal against the outcome of any formal stage should be made in writing under the [appeal procedure](#) for the relevant staff category. The purpose of the appeal hearing is to establish if the outcome of the procedure was appropriate and procedurally correct.

## 11. Roles and Responsibilities

### 11.1. Manager

- Ensures employees are aware of the Sickness Absence Policy and what is expected of them via local induction and day-to-day management.
- Addresses sickness absence issues when they become known and seeks to resolve these at the earliest opportunity in a prompt, confidential and sensitive manner and ensuring consistency and fairness.
- Monitors and records employees' sickness absence in a timely manner.
- Conducts and records return to work discussions following a period of absence due to sickness and ensures that employees provide the appropriate documentation.

- Leads and directs informal discussions and formal Stage 1 and 2 Absence Review Meetings.
- Ensures that any reasonable adjustments that are recommended by either the healthcare professional or the Occupational Health Service are given due consideration and implemented (where appropriate) in a timely manner.
- Identifies and investigates unacceptable levels of sickness absence and takes appropriate action.
- Refers employees to Occupational Health as appropriate.
- Seeks HR advice as appropriate.
- Ensures that in dealing with sickness absence cases the Department is complying with the Equality Act 2010 (which incorporates the key provisions of the Disability Discrimination Act, as amended in 2005) and the University's wider policies on equal opportunities and dignity at work.
- Ensures that all employees are treated fairly and sympathetically.

#### **11.2. Head of Institution (or nominated deputy)**

- Ensures that the Sickness Absence Policy is implemented within their Institution and that all members of their Institution understand and follow it.
- Leads and directs formal Stage 3 Absence Review Meetings.

#### **11.3. Employee**

- Attends work in accordance with their contracted hours and days unless prevented from doing so due to ill-health (or other reason).
- Understands and complies with the requirement to report sickness absence by informing their manager when they are unable to attend work due to sickness or if they are taken ill or are injured while at work.
- Provides relevant and timely self-certification (CHRIS/62) and/or Statement of Fitness for Work ('Fit Note').
- Answers concerns raised under the Sickness Absence Policy.
- Attends Occupational Health or other appropriate medical specialist if reasonably requested to do so.
- Maintains regular contact with their manager throughout any period of sickness absence, especially if the absence is long-term.
- Makes every effort to attend medical and/or dental appointments outside their normal working hours if possible. Where this is not possible, makes every effort for such appointments to be scheduled for the beginning or end of their working day.
- Understands that not complying with the relevant statutory rules relating to sickness absence may affect eligibility for sick pay and that, following investigation and dependant on circumstances, disciplinary procedures may be instigated.
- Attends return to work discussions and formal Absence Review Meetings as appropriate.
- Accepts reasonable adjustments to working arrangements practices and procedures to deal with the challenges created by disability, ill-health or injury.

#### **11.4. Human Resources**

- Provides advice and guidance on health and sickness matters to managers, Heads of Institutions and employees.
- Advises and supports managers on all aspects of the operation of the Sickness Absence Policy, helping to maintain consistency in its application.
- Attends formal meetings and provides procedural advice.
- Works with Occupational Health and other appropriate University support services on case management.
- Provides information and support to managers and employees where an employee is or becomes disabled.

#### **11.5. Occupational Health**

- Provides advice and guidance on health and sickness matters to managers, Heads of Institutions, employees and HR.
- Following a management referral, meets with employees and provides a confidential assessment of their fitness for work and, with the employee's consent, prepares a written report to the manager.
- Provides advice and recommendations on steps and/or adjustments that might assist rehabilitating an employee back to work following a period of sickness absence.
- Provides advice on whether an employee's health problems may be related to work or the working environment and any actions that may prevent further problems.
- Provides advice in relation to any long-term concerns about an employee's fitness to work, which may need further action to be considered such as permanent readjustments to the role, redeployment support or ill-health retirement.
- With the employee's consent and where indicated, obtains additional information from the employee's doctor, medical consultant or other treating specialist.
- Provides a confidential support service to all staff.

#### **11.6. Trade Union Representative or Work Colleague**

- Supports and advises the employee.
- Asks questions or makes representations on behalf of the employee at formal meetings, though is not permitted to answer questions on behalf of the employee.

#### **11.7. Note-Taker**

- Takes notes of key points at formal Absence Review Meetings, as opposed to verbatim records.
- Arranges for the notes to be provided to both parties, possibly via the manager, who will have the opportunity to submit their comments.
- Where possible, the note-taker will be someone who is not involved in the case but will usually be from HR.

Meetings cannot be recorded by either side and recordings will not be admissible as evidence even where they exist.

## **12. Sources of Support**

Consideration should be given to the wide range of support available to assist employees in managing their health, attendance and wellbeing. Consideration should also be given to advice and guidance that can be offered by managers and peers, including reading lists and professional sources of information and advice.

### **12.1. Human Resources**

The relevant HR Business Managers or their team are the principal points of contact for designated Institutions. Full details of the University's HR contacts, staff policies and all other information for staff are available [online](#).

### **12.2. Occupational Health**

[Occupational Health](#) provides a specialist support service that focuses on the prevention of ill-health and promotion of health at work. Its services respond to the University's statutory requirements under health, safety and employment law and are designed to protect health at work and ensure that health related problems are effectively managed.

Through collaborative work with both external and internal disciplines such as the Safety Advisers and HR Business Managers, Occupational Health aims to provide an integrated service to all staff.

Some useful links include:

- [Referral to Occupational Health](#)
- [Pregnancy](#)

- [Stress](#)
- [Accident and injuries at work](#)

### 12.3. Staff Counselling Service

The [Staff Counselling Service](#) is available free of charge to all University employees. It provides confidential personal counselling to help employees solve personal or work-related problems away from the work environment.

Employees approach the service for help with a wide range of issues, including work issues such as stress, bullying or harassment, work block or difficult relationships with colleagues. They may also access the service for personal reasons such as bereavement, family or relationship difficulties, cultural experiences, or for support with questions relating to their sexual orientation or gender identity. The service is able to respond sensitively to a diverse range of different concerns.

### 12.4. Internal Mediation Service

[Mediation](#) is a well-established process for resolving disagreements in which an impartial third party (the mediator) helps two or more people in dispute to attempt to reach an agreement and find a mutually acceptable resolution. The University uses co-mediation which involves the allocation of two qualified mediators per case.

### 12.5. Health and Safety Office

The [Health and Safety Office](#) provides a central resource for health and safety to complement and support the work of safety officers in the University's academic departments. Working together with colleagues in Fire Safety and Occupational Health, the Health and Safety Office ensures that the University is a safe and healthy place to work.

### 12.6. Dignity@Work Contacts

[Dignity@Work Contacts](#) are volunteer members of staff, drawn from a variety of backgrounds and roles throughout the University, who have received training to act as a first point of contact for members of staff who feel they are being bullied or harassed, or have been accused of bullying or harassment.

### 12.7. Equality and Diversity Service

[Equality and Diversity](#) seeks to help the University progress equalities policy in line with legislation, and to develop good practice in supporting under-represented groups, promoting an inclusive culture, and valuing diversity. The service also provides specialist advice and training to University departments and employees.

### 12.8. Disability Resource Centre (DRC)

The University's [DRC](#) provides information and advice on disability issues, tailor-made training on all aspects of disability and advice on making reasonable adjustments and the University's obligations under the Equality Act 2010. It develops University disability policy and practice and promotes disability awareness.

### 12.9. External Support

#### ▪ Macmillan Cancer Support

[Macmillan Cancer Support](#) provides practical, medical and financial support for those living with cancer, those that care for those with cancer and employers who have staff affected by cancer.

For employees: [Work it Out: The Essential Questions to Ask About Work](#)

This toolkit aims to help individual employees find the information they need about work issues at every stage of their cancer journey e.g. dealing with absence from work to preparing to return to work.

For managers: [Working Through Cancer](#)

This toolkit may assist managers supporting employees affected by cancer. While recognising that each case will be different, it covers how to talk about cancer and strategies to support employees and their colleagues.

Macmillan's Cancer Support line number is 0808 808 00 00 and is also available for anyone affected by cancer.

▪ **Mind**

[Mind](#) provides advice and support to empower anyone experiencing a mental health problem. It campaigns to improve services, raise awareness and promote understanding. It has produced a series of free resources to help improve mental wellbeing in the workplace.

▪ **ACAS**

[ACAS](#) (Advisory, Conciliation and Arbitration Service) works to improve organisations and working life through better employment relations. It has teamed up with the NHS's Mindful Employer initiative, a leading authority on managing mental health at work, to develop an advisory booklet called '[Promoting Positive Mental Health at Work](#)' which is designed to help employers to tackle the stigma around mental health, focus on the practical things managers can do to help and develop solutions by listening.

### 13. Managing Confidentiality

Any records in relation to an employee's health are confidential and any information that is collected and stored should be held in accordance with the Data Protection Act 1998. The following principles should be followed:

- Only information necessary to the monitoring and management of sickness absence should be sought (e.g. from discussions between the employee and manager or via a management referral to Occupational Health);
- All relevant and necessary information (e.g. self-certification form (CHRIS 62), records of Absence Review Meetings, management referrals and reports etc.) should be stored securely (e.g. with restricted access), and for no longer than necessary;
- Information is shared only with those directly involved in the management of the case, enabling the employee to see information relating to them on request;
- It is important to retain a record of all intervention/support and decisions taken to evidence compliance with the Sickness Absence Policy our obligations under the Equality Act 2010. These records may also be helpful as a personal aide memoire to aid the effective management of sickness absence cases.

These principles apply to all personal data, whether it is stored in an electronic or paper format